

Chapter 234. Land Use and Development

Article V. Nonconforming Situations

§ 234-25. Definition and intent.

- A. Definition. "Nonconforming situations" are existing structures, lots, signs, and uses of land that were lawful before this chapter was adopted or amended but would be prohibited, regulated, or restricted under the provisions of this chapter or subsequent amendments.
- B. Intent. Nonconforming situations may continue until they are removed, but their survival is not encouraged.

§ 234-26. Nonconforming lots.

- A. Definition: a recorded lot, whose area and/or width were lawful before this chapter was adopted, revised or amended, that does not meet the lot area and/or lot width standards of this chapter.
- B. Applicability. This section applies to zoning districts where single-family dwellings are permitted.
- C. Regulation. A nonconforming lot, as defined in Subsection **A**, may be developed without a variance with a single-family home, including customary accessory structures, as long as it complies with the property development standards of this chapter, other than lot area and/or lot width.

§ 234-27. Nonconforming structures.

- A. Definition: a building or structure, whose dimensional and density characteristics were lawful before this chapter was adopted, revised, or amended, that does not meet the property development standards of this chapter.
- B. Continued existence. A nonconforming building or structure may be continued under the following conditions:
 - (1) Normal repair and maintenance are permitted.
 - (2) A nonconforming structure may not be enlarged or altered in a way that increases its nonconformity. It may be altered in a way that decreases its nonconformity.
 - (3) Nonconforming structures may not be used as grounds for adding other structures or uses that do not conform to the standards of zoning district.
 - (4) If a nonconforming structure is moved, it shall be located in a manner that conforms to the requirements of the zone in its new location.
- C. Termination of nonconforming status.
 - (1) When a nonconforming building or structure or a nonconforming portion of a structure is destroyed, by any means, at more than 50% of its replacement cost at the time of destruction,

its legal, nonconforming status is terminated.

- (2) Any subsequent use of such land shall conform to provisions of this chapter.

§ 234-28. Nonconforming uses.

- A. Definition: a use or activity that was lawful before this chapter was adopted, revised or amended, that is not permitted under the use regulations of this chapter.
- B. Continued existence. Although nonconforming uses are incompatible with permitted uses in their respective districts, a nonconforming use may continue under the following conditions:
 - (1) The use may not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the date when this chapter is adopted or amended.
 - (2) The use may not be relocated or partially relocated from its location on the date when this chapter is adopted or amended, unless it is placed in a zoning district that allows such use.
 - (3) The use may be extended to any parts of a structure arranged or designed for such use on the date when this chapter is adopted or amended, as long as the nonconforming use is not extended to land outside of the structure.
 - (4) Structures may not be enlarged or erected to accommodate the expansion of a nonconforming use.
- C. Termination of nonconforming status.
 - (1) When a nonconforming use of land ceases for any reason for a period of more than one year, its legal, nonconforming status is terminated.
 - (2) Any subsequent use of such land shall conform to provisions of this chapter.

§ 234-29. Nonconforming signs.

- A. Definition: a sign whose characteristics were lawful before this chapter was adopted, revised, or amended, that does not meet the current standards of this chapter.
- B. Continued existence. A nonconforming sign may be continued under the following conditions:
 - (1) Normal repair and maintenance is permitted.
 - (2) A nonconforming sign may not be enlarged or altered in a way that increases its nonconformity. It may be altered in a way that decreases its nonconformity.
 - (3) Nonconforming signs may not be used as grounds for permission to construct additional signs that do not conform to the standards of this chapter.
- C. Termination of legal nonconforming status.
 - (1) When a nonconforming sign is destroyed, by any means, at more than 50% of its replacement cost at the time of destruction, its legal, nonconforming status is terminated.
 - (2) Any subsequent sign shall conform to provisions of this chapter.